

**AGREEMENT
BETWEEN
THE UNITED STATES OF AMERICA
AND
THE REPUBLIC OF SLOVENIA
FOR THE EXCHANGE OF
TERRORISM SCREENING INFORMATION**

Preamble

The United States of America and the Republic of Slovenia (hereinafter referred to collectively as "the Parties");

Having determined that their joint efforts to prevent and address international terrorism should include efficient cooperation in the timely identification of individuals known or suspected to be terrorists, and

Desiring to establish appropriate procedures for access to, and exchange of, terrorism screening information in order to strengthen the ability of the Parties to protect against acts of terrorism,

Have reached the following agreement to guide their efficient cooperation in the sharing and use of terrorism screening information derived from intelligence and law enforcement information:

Article I

Definitions

For purposes of this Agreement, the following definitions shall apply:

1. "Background information" means additional information, beyond terrorism screening information, about known or suspected terrorists, including data regarding circumstances of identification that are being collected and processed in accordance with the domestic law.
2. "Correcting information" means any information that is intended to correct a misidentification of a person as a known or suspected terrorist or any other error in data provided under this Agreement.

3. "Need to know" means that an authorized holder of information has concluded that a prospective recipient requires access to specific information in order to perform or assist in a lawful and authorized governmental function related to the purposes of this Agreement.

4. "Providing Party" means, with regard to information provided under this Agreement, either the United States of America (the United States) or the Republic of Slovenia (Slovenia), as the case may be.

5. "Receiving Party" means, with regard to information received under this Agreement, either the United States or the Republic of Slovenia as the case may be.

6. "Relevant Agency" means any law enforcement, intelligence, diplomatic, immigration, military, public security or other governmental agency of the respective Parties that may have officials who have access to information provided under this Agreement or that may be asked, in the event of an encounter as described in Article IV, to provide additional information or take other actions to assist in accomplishing the stated purposes of this Agreement as set forth in the Preamble. For the United States, such "relevant agency" may include any Federal, State, local, territorial or tribal governmental authority. For the Republic of Slovenia, "relevant agency" includes the Ministry of the Interior – the Police with its internal organizational units.

7. "Terrorism screening information" means identifying information about known or suspected terrorists.

8. "Known terrorist"

a) for the United States: An individual who:

1. has been convicted of a crime of terrorism in a U.S. or foreign court of competent jurisdiction; or
2. has been charged with or indicted for a crime of terrorism in a U.S. or foreign court of competent jurisdiction.

b) for the Republic of Slovenia: Persons who:

1. are on the Interpol watchlist; or
2. have been convicted by judgments of courts of the Republic Slovenia for criminal offences of terrorism.

9. "Suspected terrorist"

- a) for the United States: An individual who is reasonably suspected to be or to have been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism and terrorist activities based on an articulable and reasonable suspicion.
- b) for the Republic of Slovenia: Persons who are being investigated or prosecuted under the rules of criminal procedure for reasonable suspicion of preparation or commission of criminal offences of terrorism.

Article II

Purpose

The purpose of this agreement is to exchange terrorism screening information for the timely identification of individuals who are known or suspected terrorists in order to provide for the protection of the population and the essential infrastructure of both Parties.

Article III

Scope of Information Exchange

- 1. The Parties agree to provide each other access to terrorism screening information in English relating to known or suspected terrorists in accordance with the purposes and provisions of this Agreement, subject to each Party's domestic laws and regulations.
- 2. Terrorism screening information provided under this Agreement shall, at a minimum, include the individual's full name and date(s) of birth. Passport or other identity document number(s), and current and former nationality/citizenship also shall be provided, if known. Additional information provided may include specific biometric data if the country providing the information has determined such sharing to be legally permissible.
- 3. No classified information, as defined by each Party in accordance with its domestic law, shall be required to be exchanged under this Agreement.

The Parties may, through their Relevant Agencies, exchange such information pursuant to existing authorities, agreements, or arrangements.

4. Nothing in this Agreement shall restrict either Party or its Relevant Agencies from requesting or exchanging information or data through existing agreements or arrangements.

Article IV

Information Exchange Procedures

1. For purposes of implementing this Agreement, the points of contact shall be, for the United States, an official of the U.S. Terrorist Screening Center (TSC) and for the Republic of Slovenia, an official of the Criminal Police Directorate, International Police Cooperation Division. Each Party shall provide the exact identity and contact information for these points of contact and for other individuals responsible for handling encounter, technical, and redress matters arising under this Agreement within 30 days of the entry into force of this agreement. Each Party shall notify the other regarding any change of points of contact in writing.

2. Each Party shall provide its terrorism screening information to the other Party not later than 90 days after this Agreement enters into force. Each Providing Party shall update that information on a regular basis.

3. Each Party shall make regular updates including correcting information to its terrorism screening information pursuant to paragraph 2 of this Article as soon as practicable.

Article V

Technical Procedures of Cooperation

1. The Ministry of the Interior and the TSC shall agree on the technical procedures of cooperation consistent with each Party's domestic laws and regulations and international obligations, within 90 days of entry into force of this agreement.

2. English shall be the working language for cooperation under this agreement, except where otherwise agreed between the Parties.

Article VI

Use and Protection of Information

Accuracy of Information

1. Each Party shall use the most current terrorism screening information it receives from the other Party under this Agreement to conduct terrorism-related screening. The Receiving Party shall expeditiously update its records (i.e., correct, modify or delete) once it receives correcting information from the other Party or otherwise becomes aware that a correction, modification, or deletion is needed. The Receiving Party agrees not to use or rely upon information received under this Agreement when it has been superseded by new information, or if this Agreement is terminated, except as provided in paragraph 9 of this Article.

Protection from Disclosure

2. The Receiving Party shall limit access to information it receives from the Providing Party under this Agreement solely to its personnel and personnel of Relevant Agencies on a need-to-know basis. Unless the Providing Party provides written consent, any disclosure of information received under this Agreement shall be prohibited, including but not limited to:

- a) use in any legal or administrative proceeding or process, any judicial or judicial-like process, or in any process that could result in public disclosure;
- b) disclosure to a third-party foreign government;
- c) disclosure to an international organization;
- d) disclosure to private parties, including the subject of terrorism screening information; and

e) disclosure of any information regarding whether or not an individual is the subject of terrorism screening information provided under this Agreement.

3. Any reproduction, dissemination, or communication of any information provided by the United States to the Republic of Slovenia under this Agreement, other than name, date of birth, passport number, passport country of origin, or current and former citizenship/nationality, must be accompanied by a statement describing the use and disclosure restrictions set forth in paragraph 2 of this Article.

4. Requests for consent to a disclosure that is otherwise prohibited under this Agreement shall be made under the following procedures: if the Receiving Party is interested in disclosing any terrorism screening information provided under this Agreement, including in any legal or administrative proceeding or process, any judicial or judicial-like process, and/or in any process that could result in public disclosure, the Receiving Party shall first contact the Providing Party through its point of contact, which will endeavor to obtain permission from the Relevant Agency that originated the information.

5. Any ambiguity or question relating to the disclosure of information exchanged under this Agreement shall be the subject of consultations between the Parties as described in Article IX.

Security of Information

6. Each Party shall use appropriate electronic and physical security measures to control access to information obtained under this Agreement and, at all times, shall store such information in a secure storage system in accordance with its domestic law.

7. Each Party shall use its best efforts to ensure that all personnel with access to information obtained under this Agreement are trained in the measures required to protect the information. Each Party shall keep a record of the individuals who are permitted access to the other Party's information and shall report to the other Party any attempts to gain inappropriate access to or inappropriately use or disclose information provided by the other.

8. Each Party shall keep an audit record regarding when information obtained under this Agreement was received, how long such information was held, and how it was used, and shall make such information available to the Providing Party, if requested.

9. In the event that either Party terminates this Agreement, each Party shall destroy all information obtained under this Agreement, to the extent practicable, unless otherwise agreed in writing or unless such destruction would be contrary to a Party's record retention requirements. Nothing in this paragraph shall prohibit the Receiving Party or Relevant Agencies thereof from retaining records of any encounters of individuals identified in terrorism screening information provided by the Providing Party. Each Party shall use the most stringent procedures that are in place for the disposal of sensitive personal and/or national security information.

Article VII

Oversight and Monitoring

1. Each Party shall monitor its respective compliance with the provisions of this Agreement pertaining to the protection of information and shall communicate with the other Party, as appropriate, regarding protection and security issues.

2. With regard to terrorism screening information provided by Slovenia under Article II of this Agreement, the appropriate monitoring bodies or other competent organizations established in accordance with the domestic law of Slovenia may perform monitoring concerning the legality of Slovenia's processing of that terrorism screening information. If in a specific case, following a complaint by a presumptive data subject, such monitoring by the appropriate monitoring bodies or other competent organizations establishes that Slovenia was responsible for unlawful processing, inaccuracies or other irregularities, the appropriate monitoring body or other competent organizations may only inform the complainant that the body has conducted the monitoring and that the body can neither confirm nor deny that the complainant's information was processed in order to be transmitted to the other Party to this Agreement. The appropriate monitoring body or other competent organization may take any other administrative or correcting measures in accordance with the domestic law

of Slovenia that do not interfere with the provisions of this Agreement. The measures taken shall remain confidential for a period of 5 years; however, any release of terrorism screening information provided by the United States must be in accordance with Article VI, paragraphs 2 and 4.

3. The monitoring bodies may exchange information or views concerning the implementation of their monitoring powers under this Agreement."

Article VIII

Additional Provisions

1. A Party that encounters a potential match should, to the extent practicable, notify the other Party through the designated contact points for encounters. The designated contacts for encounters are expected, to the extent practicable, to be available 24 hours a day, seven days a week. The Parties understand, however, that such notice may not be feasible in some limited cases.

2. All complaints related to screening shall be transmitted from one Party to the other Party's designated point of contact, accompanied by a copy of an identity document such as a passport or other government-issued photo identification that contains the individual's full name, date of birth and country of citizenship, if available, and as permitted by the domestic law of each Party. Where appropriate, corrections shall be made to information provided under this Agreement by the Party that provided the information.

3. The Receiving Party and its Relevant Agencies are not to disclose to the individual or, except as provided under Article VII, paragraph 2, to any other person or entity, whether or not an individual is the subject of terrorism screening information obtained under this Agreement, except to officials of the Receiving Party's Relevant Agencies on a need-to-know basis.

4. The Receiving Party and its Relevant Agencies are free to take whatever action is deemed legally permissible in the event of an encounter with an individual who matches the terrorism screening information from

the Providing Party. During and following an encounter, each Party should consider any background information provided by the other Party as well as any requests from the Party or its Relevant Agencies to take or refrain from taking specific action with respect to the encountered individual.

Article IX

Consultation

1. The Parties shall consult regularly through their points of contact to promote the most effective implementation of this Agreement and to settle disputes, as necessary.
2. Disputes that may arise relating to the interpretation, application, or implementation of this Agreement that cannot be settled through consultations between the points of contact shall be settled through diplomatic channels.

Article X

Relationship to Other Arrangements

1. The terms of this Agreement shall be subject to each Party's domestic laws and regulations and international obligations and shall not prejudice or restrict any other agreement or arrangement between the Parties, including agreements or arrangements related to law enforcement, exchange of information, or counterterrorism efforts.
2. Nothing in this Agreement shall affect the obligations of the Republic of Slovenia arising from its membership in the European Union.
3. Nothing in this Agreement shall provide a private right of action.

Article XI

Amendments of the Agreement

The Parties shall agree in writing to any amendments of this Agreement.

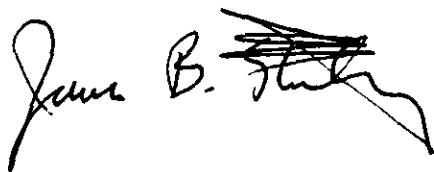
Article XII

Entry into Force and Termination

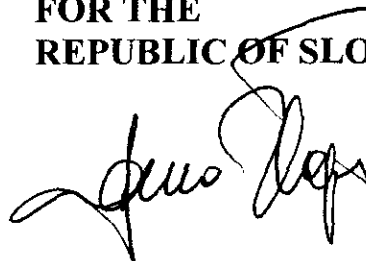
1. This Agreement, and any amendments thereto, shall enter into force in 30 days from the date of the last written notification by which the Parties have notified each other through diplomatic channels that all their internal legal requirements for its entry into force have been fulfilled. On the same day that the aforementioned last written notification is sent, the sending Party shall also notify the designated point of contact of the other Party that the written notification has been sent.
2. This Agreement is concluded for an indefinite period of time. Either Party may terminate this Agreement by written notification through diplomatic channels. The termination shall take effect 30 days following the receipt of such notification. All responsibilities and understandings with respect to the use and disclosure of all information received under this Agreement prior to the termination of this Agreement shall remain effective after such termination.

Done, in duplicate, at Washington, this eighth day of ^{February} 2011, in the English and Slovene languages, both texts being equally authentic.

**FOR THE
UNITED STATES OF AMERICA:**

A handwritten signature in black ink, appearing to read "James B. Stewart", with a large, stylized flourish at the end.

**FOR THE
REPUBLIC OF SLOVENIA:**

A handwritten signature in black ink, appearing to read "Janez Jansa", with a large, stylized flourish at the end.